

**HIGHLY CONFIDENTIAL PURSUANT
TO PROTECTIVE ORDER**

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18
 19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN FRANCISCO DIVISION**

22
 23 **IN RE TRANSPACIFIC PASSENGER AIR**
 24 **TRANSPORTATION ANTITRUST**
 25 **LITIGATION**

26
 27 **This Document Relates to:**
 28 **ALL ACTIONS**

Case No.: 07-CV-5634-CRB

MDL No.: 1913

29
 30 **STIPULATION AND ORDER SETTING**
 31 **BRIEFING SCHEDULE ON CLASS**
 32 **CERTIFICATION**

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 34 Judge: The Honorable Charles R. Breyer

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 36 The parties to the within action hereby agree and stipulate as follows:

37
 38 WHEREAS, Air New Zealand Ltd., China Airlines, Ltd., EVA Airways Corp., Philippine
 39 Airlines, Inc., and All Nippon Airways Co., Ltd. filed joint and individual briefs for summary
 40 judgment based on the Filed Rate Doctrine beginning on September 10, 2013 (Doc. 724; 728; 731;
 41 753; 763 and 792);

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 43 **STIPULATION AND PROPOSED ORDER**
 44 **SETTING BRIEFING SCHEDULE ON CLASS**
 45 **CERTIFICATION**

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 47 NYOFFICE 800951v.1

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 49 **Case No. 07-CV-05634-CRB AND MDL No. 1913**

1 WHEREAS, the Court issued its Order denying in part and granting in part the Defendants
2 motions for summary judgment based upon the Filed Rate Doctrine (Doc. 945);

3 WHEREAS, All Nippon Airways Co., Ltd. ("ANA") has filed a motion for leave to file a
4 motion for reconsideration or, in the alternative, to seek interlocutory appeal concerning the Court's
5 Order of ANA's motion on the Filed Rate Doctrine (Doc. 946);

6 WHEREAS, Air New Zealand Ltd., China Airlines, Ltd., EVA Airways Corp. and Philippine
7 Airlines, Inc. have filed a joint motion requesting the Court to certify its Order (Doc. 945) for
8 interlocutory appeal (Doc. 947);

9 WHEREAS, both Defendants and Plaintiffs ("the Parties") believe it would be more efficient
10 for the Court to decide Defendants' submissions (Doc. 946 and 947) concerning the Court's Order
11 on the motions for summary judgment based upon the Filed Rate Doctrine (Doc. 945) prior to the
12 briefing of any motion for class certification;

13 WHEREAS, the time differentials between the deadlines for filing a motion for class
14 certification, opposition thereto, the reply, and any sur-reply shall remain consistent with the
15 previous Order entered by the Court on October 2, 2013 (Doc. 732);

16 NOW THEREFORE, the Parties agree and stipulate as follows:

17 1. The time by which Plaintiffs may submit their brief and any related expert report(s) in
18 support of a motion for class certification shall be extended to 90 days after this Court issues an
19 Order resolving the issues raised in Defendants' motions seeking certification for interlocutory
20 appeal and/or All Nippon Airways Co., Ltd. motion for reconsideration;

21 2. If the Court grants either Defendants' motions seeking certification for interlocutory
22 appeal and/or All Nippon Airways Co., Ltd. motion for reconsideration, then Plaintiffs may submit
23 their brief and any related expert report(s) in support of a motion for class certification 90 days after
24 the Ninth Circuit Court of Appeals decides the interlocutory appeal or 90 days after this Court
25 decides All Nippon Airways Co., Ltd. motion for reconsideration, whichever is later;

26 3. The time by which Defendants may submit their briefs in opposition to Plaintiffs'
27 motion for class certification and any related expert reports(s) shall be extended to 180 days after

1 Plaintiffs file their brief in support of class recertification;

2 4. Plaintiffs' reply brief and any reply expert report(s) in further support of their motion
3 for class certification shall be due 60 days after Defendants file their briefs in opposition; and

4 5. Defendants' sur-replies and further expert report(s), if any are permitted by the Court,
5 in further opposition to Plaintiffs' motion for class certification shall be due 60 days after Plaintiffs
6 file their reply brief.

7 6. Any party may seek a continuance of the dates set forth in this Stipulation and
8 [Proposed] Order for good cause shown.

9 **SO STIPULATED:**

10 By: /s/ Christopher Lebsock

11 **HAUSFIELD, LLP**

12 Michael D. Hausfeld

13 Michael P. Lehmann

Christopher Lebsock

14 *Interim Co-Lead Counsel for Plaintiffs*

15 By: /s/ Steven N. Williams

16 **COTCHETT, PITRE & McCARTHY**

17 Joseph W. Cotchett

Steven N. Williams

18 *Interim Co-Lead Counsel for Plaintiffs*

19 By: /s/ Michael J. Holland

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22 *Counsel for Defendant Air New Zealand*

23 By: /s/ Ankur Kapoor

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25 Douglas E. Rosenthal

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26 Gary J. Malone

27 *Counsel for Defendant All Nippon Airways, Co., Ltd.*

28 By: /s/ Jesse W. Markham, Jr.

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28 *Counsel for Defendant All Nippon Airways, Co., Ltd.*

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2 By: /s/ James V. Dick
3 **SQUIRE PATTON BOGGS (U.S.)**
4 James V. Dick
Counsel for Defendant China Airlines

5 By: /s/ Tammy A. Tsoumas
6 **KIRKLAND & ELLIS LLP**
7 Tammy A. Tsoumas
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8 By: /s/ Anita Stork
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10 Anita Stork
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11 **SO ORDERED**

12 **DATED: October 17, 2014**

